

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Criminal No. 13-10024-RWZ
MARK J. ZIMNY)	
)	
Defendant.)	
)	

**DEFENDANT MARK J. ZIMNY'S MOTION IN LIMINE TO PRECLUDE THE
GOVERNMENT'S USE OF SOCIETE GENERALE DOCUMENTATION**

COMES NOW Defendant Mark J. Zimny, by and through his undersigned counsel, and for his Motion In Limine to Preclude the Government's Use of Societe Generale Documentation pursuant to Federal Rule of Evidence 901, states the following:

ARGUMENT

The Government has produced a significant amount of discovery to Defendant in the above-referenced matter, the most recent of which Defense counsel issued by Hand Delivery and ECF on March 20, 2015 and received on March 21, 2015, issued to lead, local counsel Kevin Reddington, Esq. in conformity with Assistant United States Attorney Victor Wild's established communication protocol, i.e. to only communicate with Defense counsel by and through lead counsel Mr. Reddington.

Lead, local counsel Mr. Reddington, began a murder trial in Massachusetts State court on March 16, 2015. Due to Mr. Reddington's unavailability Co-counsel Albert Watkins, Esq. issued written request to Mr. Wild requesting that due all further communication issued by Mr. Wild be issued to Mr. Watkins as well as Mr. Reddington in order to prevent Defendant from being prejudiced by a lag in Co-counsel's receipt of correspondence and additional discovery.

The above-mentioned discovery consists of documentation from Societe Generale (hereinafter “SG”) which are currently in French. Pursuant to the Government’s cover letter corresponding to its March 20th issuance of same, it is stated that “Translation is being accomplished by the Department of Justice, Office of International Affairs and will be provided to the defense on an expedited basis.”

It is understood that the investigation of Defendants has traversed years. Defendant was indicted on January 24, 2013, and with less than 2 work days prior to commencement of trial the government dumped this documentation on Defendant and disclosed its intent to use same at trial.

Defense counsel will have no time to either have the SG documents translated or to confirm the accuracy of any potential translation provided by the Government prior to trial thereby prejudicing the Defendant.

Presently the Defendant and Defense counsel are without a translated copy of same.

Granting Defendant’s Motion will not prejudice the Government and furthers the interests of justice, while denying Defendant’s Motion would be extremely prejudicial.

CONCLUSION

WHEREFORE, Defendant hereby moves this Court to enter an Order precluding the Government and its counsel from using, introducing the Societe Generale documentation issued to Defense counsel on March 20, 2015.

Respectfully submitted,

MARK J. ZIMNY

By his attorney,

/s/ Kevin J. Reddington
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Dated: March 22, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on this date.

Dated: March 22, 2015

/s/ Albert S. Watkins [Pro Hac Vice]